IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.6667 of 2004

Shri Powar M.Y.and others ..Petitioners

Vs.

The State of Maharashtra & Ors. ..Respondents

Shri S.P.Kadam with Shri A.P.Patil for petitioners
Smt.J.S.Pawar, Addl.G.P. for respondent nos. 1 and 2
Shri R.G.Ketkar for respondent no.3
Shri Rui Rodriques for respondent no.5

CORAM: A.P.SHAH
S.U.KAMDAR JJ.
6th Setember, 2004

P.C.

1. Rule. Smt.J.S.Pawar, Shri R.G.Ketkar and Shri Rui Rodriques waive service for respondent nos.1 and 2, 3 and 5 respectively.

2. Heard the learned Counsel for the parties.

3. It is agreed by the learned counsel appearing for the parties that the petitioners in present petition are covered by the judgment and order of the Division Bench of this Court in Writ Petition No.5782 of 2001 decided on 18th April, 2002. The said decision was followed in Writ Petition Nos.6200 of 2003, 5688 of 2003, 4913 of 2004.

4. In the above judgment the Division Bench

directed that the cases of petitioners who had not cleared NET/SET would be considered by University Grants Commission (U.G.C.) for condonation/relaxation from passing the examination. The management was directed to forward such applications to the University within 4 months from the date of this order and the University in turn should forward such proposal within 4 months thereafter. The U.G.C. would take decision on such proposals. If the decision of U.G.C. would be against the petitioners and if their services are likely to be terminated such order would not be implemented for a period of four weeks from receipt of such communication by the petitioners.

5. in our opinion, since the petitioners are covered squarely by the above orders, it would be appropriate to issue similar directions.

6. For the foregoing reasons the petition is allowed. Rule is made absoluteto the extent indicated above. The petitioners should not be terminated from service till U.G.C. decides the proposals of petitione rs and for a period of four weeks thereafter from the date of communication of the order if such order is against the petitioners.

7. No order as to costs.